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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,269

07/22/2003

Theodore Jack London Shrader

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07/05/2006

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EXAMINER

AHN, SANGWOO

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/624,269	SHRADER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sangwoo Ahn	2166	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-20 and 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on 5/8/2006 has been entered.

Claims 17 – 20, 22 – 29 are pending in this Office Action.

### ***Response to Arguments***

Applicant's arguments with respect to claims 17, 19, and 26 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 18, Applicant argued that the present invention is different from the prior art because Applicant's invention relies on entries in a table to change a trigger.

The examiner respectfully traverses the applicant's argument because Reuhl discloses numerous tables that contain threshold information. For example, Figure 17 presents a table with competitor's price and seller's price that can be compared. Figure 20A presents a table with regular price and active price. A person of ordinary skill in the art would recognize using a table to store threshold records could be achieved within the prior art's disclosure. In addition, cited sections in the prior art (column 3 lines 44 – 48, column 4 lines 7 – 10, column 11 lines 35 – 44; 53 – 63) clearly suggest such threshold records for comparing different prices already exist.

Based on the foregoing arguments regarding the features of Reuhl's disclosure, the examiner concluded that the applicant's disclosure is unpatentable over Lin and Reuhl, thus sustaining the 35 U.S.C. 103 rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 – 18, 20, 22 – 25, and 27 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,381,597 issued to Simon M. Lin (hereinafter “Lin”), in view of U.S. Patent Number 5,873,069 issued to Douglas G. Reuhl et al (hereinafter “Reuhl”).

As per claim 17, Lin discloses,

A database used in managing a pricing agent in a computer, comprising:

a pricing profile table comprising a set of profile records, each record identifying a URL site (Figure 2, column 2 lines 53 – 55, column 5 lines 4 – 6), a list of included items (column 2 lines 64 – 67), and a pointer to a site template (column 4 lines 49 – 64);

a site template table comprising a set of site templates, each site template comprising instructions for parsing a data stream to identify given data (column 4 lines 49 – 64); and

a price table comprising a set of pricing records, each record identifying an item name, an associated price value, a date and a time said record was created, and a source, wherein price data corresponding to said item name is automatically collected with a periodicity equal to the scan interval to produce historical data (Figures 7, tables in column 8 – 9 and 10 – 11, et seq.).

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Lin does not explicitly disclose a scan interval, a date and a time said record was created, and a source, wherein price data corresponding to said item name is automatically collected with a periodicity equal to the scan interval to produce historical data.

However, Reuhl discloses the scan interval, a date and a time said record was created, and a source, wherein price data corresponding to said item name is automatically collected with a periodicity equal to the scan interval to produce historical data (column 11 lines 31 – 38, Figures 9 and 19, column 3 line 20 – 21; 44 – 47, column 4 lines 12 – 16, et seq.), as well as the elements already disclosed by Lin (i.e. pricing agent, list of included items, instructions for parsing, price table). It would have been obvious to a person of ordinary skill in the data processing art to combine the above two references because the scan interval disclosed by Reuhl would have enabled Lin's database system to automatically and frequently check prices of a plurality of products that constantly changes and provide price comparison among competitors to buyers, as taught in Reuhl's disclosure.

As per claim 18, Reuhl discloses a threshold table comprising a set of threshold records, each record identifying a threshold type, a threshold value, and a threshold comparison operator (Figures 17 and 20A, column 3 lines 44 – 48, column 4 lines 7 – 10, column 11 lines 35 – 40; 53 – 63).

As per claim 20, Lin discloses,

A computer used to manage a pricing agent, comprising:

a browser (Figure 1);

a database comprising:

a pricing profile table comprising a set of profile records, each record identifying a URL site (Figure 2, column 2 lines 53 – 55, column 5 lines 4 – 6), a list of included items (column 2 lines 64 – 67), and a pointer to a site template (column 4 lines 49 – 64);

a site template table comprising a set of site templates, each site template comprising lexical instructions for parsing a data stream to identify given data (column 4 lines 49 – 64); and

a price table comprising a set of pricing records, each record identifying an item name, and associated price value, and a source (Figure 7, table in column 8 – 9 and 10 – 11); and

code executable in the browser during processing of a given pricing profile record for parsing data retrieved from the URL site according to the site template to generate a data record for each included item (Figure 4, column 2 lines 55 – 63, column 4 line 36 – column 5 line 7).

Lin does not explicitly disclose a scan interval, a date and a time said record was created, and wherein price data corresponding to said item name is automatically collected with a periodicity equal to the scan interval to produce historical data.

However, Reuhl discloses the scan interval, a date and a time said record was created, and wherein price data corresponding to said item name is automatically collected with a periodicity equal to the scan interval to produce historical data (column 11 lines 31 – 38, Figures 9 and 19, column 3 line 20 – 21; 44 – 47, column 4 lines 12 – 16, et seq.), as well as the elements already disclosed by Lin (i.e. pricing agent, list of

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included items, lexical instructions for parsing, price table). It would have been obvious to a person of ordinary skill in the data processing art to combine the above two references because the scan interval disclosed by Reuhl would have enabled Lin's database system to automatically and frequently check prices of a plurality of products that constantly changes and provide price comparison among competitors to buyers, as taught in Reuhl's disclosure.

As per claim 22, Lin discloses the database receives queries from a pricing agent (column 2 lines 55 – 57; 65 – 67, column 4 lines 36 – 43).

As per claim 23, Lin discloses the pricing agent provides data to the database using the set of profile records (Figure 2 and throughout the disclosure).

As per claim 24, Lin discloses the pricing table provides an identification of URL sites to be scanned for data (Figure 2, column 2 lines 53 – 55, column 5 lines 4 – 6).

As per claim 25, Reuhl discloses the threshold table indicates when a threshold condition is reached to trigger a threshold event (column 3 lines 44 – 48, column 4 lines 7 – 10, column 11 lines 35 – 40; 53 – 63).

As per claim 27, Lin discloses the site templates include matching criteria (column 4 line 49 – column 5 line 7).

As per claim 28, Lin and Reuhl both disclose each site template includes a scanning template that indicates how to scan for item names and corresponding prices (Lin: column 4 lines 49 – 64, Reuhl: column 11 lines 1 – 15, et seq.).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin and Reuhl, further in view of U.S. Patent Number 6,370,513 issued to Adam K. Kolawa et al (hereinafter "Kolawa").

As per claim 19, Lin and Reuhl disclose the database of claim 17 wherein each profile record further includes a list of excluded items.

Lin and Reuhl do not explicitly disclose that information is not collected for a give item in the list of excluded items, even if the given item matches an included item in a fuzzy matching algorithm.

However, Kolawa discloses this feature in Figures 3 and 6A, column 6 lines 7 – 15. It would have been obvious to a person of ordinary skill in the data processing art to combine the above references because Kolawa's method of excluding items would have enabled Lin and Reuhl's overall system to recommend items to a user which are based on the user's preferences.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin and Reuhl, further in view of U.S. Patent Number 4,992,940 issued to Ross E. Dworkin (hereinafter "Dworkin").

As per claim 26, Lin and Reuhl disclose the database of claim 25 as discussed above in claim 25 rejection.

Lin and Reuhl do not explicitly disclose a sending of an email.

However, Dworkin discloses a sending of an email (column 4 lines 13 – 24, column 10 lines 9 – 17). It would have been obvious to a person of ordinary skill in the data processing art to combine the above references because Dworkin's method of



sending an email would have enabled Lin and Reuhl's database system to contact/notify the vendor, supplier, user, or administrator for further actions/services, as taught by Dworkin in his disclosure.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, further in view of Reuhl, Kolawa, and Dworkin (The examiner already indicated motivations in the rejections above).

The prior arts disclose,

A computer used to manage a pricing agent, comprising:

a browser (Lin: column 1 line 48, et seq.);

a database comprising:

a pricing profile table comprising a set of profile records, each record identifying a URL site (Lin: Figure 2, column 2 lines 53 – 55, column 5 lines 4 – 6), a list of included items (Lin: column 2 lines 64 – 67), a list of excluded items (Kolawa: Figures 3 and 6A, column 6 lines 7 – 15, et seq.), a scan interval (Reuhl: column 11 lines 31 – 38, Figures 9 and 19, column 3 line 20 – 21; 44 – 47, column 4 lines 12 – 16, et seq.), and a pointer to a site template (Lin: column 4 lines 49 – 64), wherein price data corresponding to said item name is automatically collected with a periodicity equal to the scan interval to produce historical data (Reuhl: column 11 lines 31 – 38, Figures 9 and 19, column 3 line 20 – 21; 44 – 47, column 4 lines 12 – 16, et seq.);

a site template table comprising a set of site templates, each site template comprising instructions for parsing a data stream to identify given data (Lin:

column 4 lines 49 – 64), a scanning template that indicates how to scan for item names and corresponding prices, and matching criteria (Lin: column 4 lines 49 – 64, Reuhl: column 11 lines 1 – 15, et seq.);

a price table comprising a set of pricing records, each record identifying an item name, and associated price value, and a source (Lin: Figure 7, table in column 8 – 9 and 10 – 11);

a threshold table comprising a set of threshold records, each record identifying a threshold type, a threshold value, and a threshold comparison operator (Reuhl: Figures 17 and 20A, column 3 lines 44 – 48, column 4 lines 7 – 10, column 11 lines 35 – 40; 53 – 63), wherein when a threshold condition is reached, a message is sent to a user (Dworkin: column 4 lines 13 – 24, column 10 lines 9 – 17);

code executable in the browser during processing of a given pricing profile record at the scan interval for parsing data retrieved from the URL site according to the site template to generate a data record for each included item, wherein price data corresponding to said item name is automatically collected with a periodicity equal to the scan interval to produce historical data (Reuhl: column 11 lines 31 – 38, Figures 9 and 19, column 3 line 20 – 21; 44 – 47, column 4 lines 12 – 16, et seq.).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sangwoo Ahn  
Patent Examiner  
AU 2166

6/12/2006 SW

  
**MOHAMMAD ALI**  
**PRIMARY EXAMINER**